FELLOW-CITIZENS,

In the number of those who solicit your suffrages at the approaching election I am one. The time will arrive in a few days when a choice is to be made of the persons to whom you must confide the important power of making laws, by which your lives, liberties and property are to be affected. I would have preferred submitting my pretensions to your decision without a single remark, had not attempts been made, by those who advocate the election of my worthy opponent, to mislead your minds upon some points, which I conceive to be of great importance not only to you, but, also, to your children.

The laws relative to your landed interests are of the first importance; and every attempt should be promptly met and refuted, which has a tendency to impress upon the public mind a belief, that a particular system of laws would protect your interests, which, if carried into execution, would prove injurious and destructive. It is urged against my present election, that, when a senator in 1807, I had a principal agency in framing the *land law*, and that some of the provisions of that law are exceptionable; because, it is said, they tend to encourage fraud and speculation, and to prevent the state from using, for the public benefit, large quantities of vacant land. This objection, if well-founded, ought to operate greatly to my disadvantage; but, I feel satisfied in my own mind, that any other policy than that pursued in 1807 would prove ruinous to the best interests of society.

That you may understand the view I then had of the subject, let me ask your indulgence while, in a very brief manner, I take a kind of historical review of our landed interests from the opening of the land offices in North-Carolina up to the year 1807, when I was elected; and then I will state the substance of the system enacted at that time. In the year 1777, while Tennessee was a part of North-Carolina, the legislature of that state passed a law to open an office in each county for the sale of vacant land, at the price of fifty shillings for every hundred acres. Under this law was created an office in Washington county, called Carter's office; one in Sullivan, called Adair's, and one in Greene, called Hardin's. In each of those offices entries were made by the citizens. In the year 1783, the legislature of North-Carolina passed another act, authorising an office to be opened at Hillsborough for the sale of western land at the price of ten pounds for every hundred acres. Under this law was created what is called John Armstrong's office, in which entries, to a large amount, were made.

Upon the entries made in these several offices warrants were issued. When surveys were to be made on them, it was found, in many instances, that two or more persons had entered the same parcel of land; and, as none but the first enterer could hold it, laws were passed authorising the second enterer to remove his warrant to vacant land, and obtain his patent for that to which no other had a claim. These removed warrants were called supernumerary. Under the provisions of some of these laws all titles in East Tennessee, prior to the year 1806, were obtained. Those who acquired titles at an early day in East Tennessee obtained their patents for the choicest tracts of land in different quarters of the country, esteeming great quantities, now considered valuable, as too poor to merit attention. Thus matters stood until the year 1790; between that period and 1798, surveyors and others, desirous of bettering their circumstances, obtained grants for large tracts including within their boundaries many smaller tracts, that had been previously granted. Those who obtained the large grants, not knowing exactly how many prior grants would be included, and determined, perhaps at all events, not to be losers, took care to include within their butts and bounds a great deal more land than the quantity called for in the face of their patents. Hence, it frequently happened, that a grant which called for five thousand acres, would include within its marked boundaries fifty or a hundred thousand. Those large grants were issued to Stockley Donelson, William Tyrrell, and a few others, then considered wealthy.

During this time all the records and other evidences of titles were in the state of North-Carolina, several hundred miles from East Tennessee. The country was new and people were moving to it, anxious to obtain land upon which they might make settlements and become citizens. Finding tracts of land, they would enquire who owned them, make purchases, obtain conveyances and pay a fair price to those from whom they purchased. Those who were in the most needy circumstances generally purchased within the bounds of the large grants; they cleared land, built houses, planted orchards, &c.

In many instances it happened, that there were fifty, a hundred or, perhaps, more settlers within the bounds of one large grant. At the time those persons purchased, paid their money and obtained their conveyances, they did not know what quantity was contained within the grant; none but a surveyor could tell that fact; they did not know whether the grant was obtained fairly or fraudulently; they had no means of examining, as the records were in North-Carolina. Such was the situation of things until the year 1806, when this state, by virtue of a compact with North-Carolina and with the United States, obtained a power to perfect titles upon all the BONA FIDE warrants issued by North-Carolina, then unsatisfied. Shortly after this power was obtained the legislature of Tennessee was called by the Governor. I was not then a member. They passed a *land law*, which they supposed adapted to the situation of the state. The whole country was to be laid off into sections of six miles square; a map was to be made; all prior grants were to be laid down; warrants adjudged; entries to be made upon them, and grants obtained for vacant land. Having obtained, about that period, and never before, a transcript of the records from North-Carolina, we were enabled to discover the grounds upon which the different grants rested.

It was seen that, in many instances, grants had been improperly obtained; sometimes upon warrants for fifty shillings, when it was believed they ought to have been upon those for ten pounds; sometimes without any warrants; sometimes upon warrants that had been satisfied two or three times before; and, in some instances, grants included a vast quantity of land more than that called for. In this state of things what was to be done? The leading members in that assembly were generally from

the west; they knew but little of the history and settlement of this country; they viewed matters as if those fraudulent grants were still owned by the same men who had committed the frauds; and, I have no doubt, they acted from an honest conviction, that it was wrong for a man to hold what he had unjustly gained, when they enacted, among other things, that all those large grants should be curtailed and reduced to the true quantity called for, that the owners might throw off the surplus when they chose, and that, if they did not throw it off within a limited period, the surveyor should do it for them. This curtailing, which seemed so fair in theory, was attempted to be put in practice; and what was the consequence? Every one concerned made expressions of disapprobation, saying "I will not have my land thrown off; I honestly purchased; the man from whom I purchased is dead, or insolvent; it took most of what I had to pay for my land; I have suffered by defending the country at an early day, and surely you ought not to ruin me." When large tracts had been parcelled out to many individuals, which was generally the case, each, wishing to save himself, would not agree to be thrown out; hence it became the duty of the surveyor to do it.

The whole country was thrown into a state of alarm and confusion. He who held under a *big grant* was to be deprived of his land; he who held under a Carter warrant was to lose his; he who held under an Adair or Hardin warrant was to lose his, also; and he whose grant was not registered was to experience a similar fate. Disquiet, alarm and confusion was the consequence. A settlement for ten, twenty or thirty years was to avail nothing. In some quarters, associations were formed and resolutions entered into by the citizens for mutual protection; and, as they had originally fought the savages, in defence of their possessions, they would, now, by the same means, protect themselves against their internal enemies. In 1807, members for the assembly were to be elected. I was a candidate; and some of the very men now opposed to me endeavoured, then, to create suspicions. "Trust him not; if elected he will support the warrant holders, and you will lose your land." Such was the language of intrigue at that day. The answer of the people on the day of election was different. "We will trust him," they said; "we have known him from his youth; he has never deceived us; and we must have some one who understands, and who will advocate our rights." I was elected.

What was done when the assembly met? The first Bill introduced was written by me; and it suspended all the obnoxious parts of the act of 1806 until the rise of the assembly. The object of this was to prevent the farmers from being plundered under legal sanction until a permanent law could be framed. A committee was appointed to receive the petitions of the people, to examine the matter, and to frame laws which might give to the citizens that protection which they sought; of that committee I was one. With considerable labor a bill was framed to suit, as nearly as could be, in the opinion of the committee, the circumstances and situation of the country. That Bill was introduced, and, after undergoing such alterations as were deemed expedient, it was enacted into a law. The main provisions of that Bill obtained all the support I was enabled to give them. It could not be expected, that a Bill of such length, comprehending such a variety of matters, on a subject of considerable difficulty could be so framed as to suit the interests of every individual; nor could it be expected, that, in all its details it would be acceptable to any individual. All that could be expected was, that it should be framed so as to suit the interest and wishes of a majority of the people. That was then believed to have been done. This law, however, has been objected to on different grounds; first, because it repeals that section of the act of 1806 which required the large grants to be curtailed; secondly, because the 37th section enacts, in substance, that no person shall make an entry, or a survey, or obtain a grant for any tract of land, to which another person claims title under a grant from North Carolina which on its face appears to be fair, unless it can *be proved* that the *person* holding under such grant was guilty of some fraud in obtaining it.

I approved of the repeal of the curtailing section for many reasons. These large grants had been issued under the laws of North Carolina. It had been determined in the courts of that state, in many instances, as well as in Tennessee, that if *within the marked boundaries there was less land than called for*, the grantee could hold no more; and that, if *there was more within the boundaries marked*, the individual should hold it.

That part of the act of 1806 was unconstitutional. If a question was made whether the grant was good or not, it should be determined by the laws as they stood when it was issued, & not by laws made afterward. The constitution says "that no retrospective law, or law impairing the obligation of contracts shall be made." Secondly; it was unconstitutional because the constitution says, "that the right of trial by jury shall remain inviolate;" whereas the curtailing section made the surveyor witness, judge, jury and executive officer. A sight of his compass and stretch of his chain was the only trial to be had; and that simple process was to deprive hundreds of innocent, honest and industrious men of the labors of many years. From the surveyor's decision there was no appeal; if he shaved the citizen too close, it must be submitted to; if he cut him to the quick, and left him but one hundred acres when he ought to have left five hundred, there was no redress. But, even, if that provision of the act of 1806, was constitutional, it was certainly impolitic in the situation of the country at that time. It might have been very correct to have curtailed the grant, if the land had still been owned by the grantee; but these lands had been parcelled out and sold to many hundreds of individuals who had acted innocently and honestly, who had no means of knowing whether the grant was fair or fraudulent, many of whom had lost the rest of their property in defence of that, and had made it, in many instances, worth six dollars per acre by their labor, when originally it was not worth more than one. It would have been very unjust to visit them with the iniquities of others, over the conduct of whom they had no control; and the more especially as those from whom they purchased were dead, or insolvent, if alive.

That is sound policy, too, which encourages the laboring part of the community to be industrious;

to improve their plantations, to add by the productions thereof to the wealth of the country. And who will sow if another is to reap? Who will rear a house or a barn, clear a farm or plant an orchard, while it is doubtful whether himself or a stranger is to derive the benefit? Make men secure in their titles to land, and you stimulate them to industry; by industry individuals grow wealthy, and, when the individuals of a state are rich, the state itself is rich.

By curtailing the large grants, individuals and their families were ruined, and the state could get nothing; as soon as a farm was found vacant, there was a warrant to cover it.

The 37th section appeared indispensably necessary; without it, the man who held under a grant founded upon a Carter, an Adair, or a Hardin warrant was liable to be harrassed; he who held under a grant not registered by the first of June 1807, and he who held under a grant issued upon a warrant previously granted, although he knew of no such defect when he purchased, was liable to be deprived of his inheritance, and sent in rags to seek another home; and for what? It was not for any fault of his own; but to make provision for warrant holders, some of whom, perhaps, had acquired their warrants by practices not more virtuous than thefts.

For these and many other reasons I was in favor of the act of 1807. It was the conviction of my mind that those measures were right. I believed them adapted to the circumstances of the people: they were the things to do which the people had sent me; without attempting them, I should not have discharged my duty; and I thank providence, that the general improvement of the country and prosperity of the people give abundant evidence of the wisdom of those regulations. Remember; mark it well! If you change this policy, you are undone. You will assuredly repent it when perhaps, too late. He who advises the contrary either wishes to deceive you, or does not understand your interests. I am anxious that every voter should know my sentiments, as I do not wish the vote of any man who entertains a different opinion. I cannot pursue a different policy, if elected. After having lived among you for thirty three years, I cannot consent to a measure, which, in my best judgment, would prove your greatest misfortune.

It has been sometimes stated, that my reason for supporting the act of 1807 was, that I had an interest in some of those large grants. Even if this were true, it could be no objection; for, if the interest of a majority and my individual interest were the same, I surely could not be censurable for supporting the interest of the people, as well as my own. But, the statement is not true. I never had a claim to one inch of ground in the world derived under any such grant; and no man, who wishes to be considered a man of truth, can assert that I ever had.

It has, also, been objected to my election, that my object in offering is to have a law passed by which some of my connexions, or myself, may obtain grants upon claims which they have for lands south of the river Tennessee within that tract of country now occupied by the Indians. This statement is most unjust and groundless; and he who states it as a fact, which he knows, states that which is false; and he who believes it upon the information of others, is misled and deceived. Neither myself, nor any connexion of mine, within my knowledge, has a claim to one foot of ground within that tract of country; and, I have no hesitation in affirming, that he who asserts the contrary, so far as respects myself, asserts an unequivocal falsehood; and, so far as respects my connexions, I believe the assertion to be equally untrue. If the fact is so, it must be of record, and let it be proved.

I have caused the records to be examined, and can find no evidence of any such claim; but, I do find, on the Register's books of Knox county, that which appears to be a grant made by the Royal Governor and some Cherokees to Capt. Patrick Jack for fifteen miles square, including the mouth of Tellico creek, the interest under which grant, I have understood and believe, has been transferred from said Jack to his son now residing in Grainger county, and that he and some others now do claim the same. I suppose my enemies will scarcely alledge, that I wish to be elected for the purpose of promoting the interests of those who are politically unfriendly to me, by supporting their unjust claims to the prejudice of the community at large, and myself as one of the number.

There is no man in Tennessee more averse to a law sanctioning claims, or the laying of land warrants, within that tract of country than myself.

The true reasons for my offering at the present time are the following; an expectation that at the approaching session some of the most interesting questions relative to our landed interests, and to our dispute with North-Carolina will come before the legislature, together with a persuasion, that my long residence in the country and my habits of life might enable me on those subjects to be of use. I am impressed with a belief, that some alterations are necessary in our judiciary system; on that subject also, I might, perhaps, do some good. A thorough conviction, that the election of officers, and especially judges, who are destitute of talents and integrity, is one of the greatest temporal curses that can ever befal any people, operates as an additional reason for my offering at this time, when three judges, a senator to congress and some solicitors general are to be elected.

It has been said, that my object in offering is to secure the election of some of my relations to some of these appointments. This statement is entirely destitute of truth. I wish to conceal nothing from you. Should I be elected, the business of the public is to be done for their benefit. I will, as I always have done, vote for those, and those only, from whose services I believe the public will derive the most advantage.

I take this occasion to remark, that in no instance where I have spoken of stories fabricated or circulated to my prejudice, do I have any allusion to my opponent. His conduct towards me is blameless, as far as I have any information. Should a majority of you believe, that he can and will render you greater services than myself, you ought to elect him; it is your interest, not mine individually, that is at stake; and, it is my wish, if I am banished from your confidence, that you may employ those who will serve you with more ability; with more fidelity they never can.

H. L. WHITE.

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